

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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| L.I.S.T., INC., On Behalf of Itself and) | |
| All Others Similarly Situated,) | |
|)) | |
| Plaintiff,)) | No.: 7:05-CV-02189 (CM) |
|)) | |
|)) | |
| v.)) | |
|)) | |
| VEECO INSTRUMENTS, INC.,)) | |
| EDWARD H. BRAUN, and JOHN F. REIN, JR.,)) | |
|)) | |
| Defendants.)) | |
|)) | |
| ROY P. KERSHAW, Individually and on Behalf)) | |
| behalf of all others similarly situated,)) | |
|)) | |
| Plaintiff,)) | No.: 7:05-CV-02929 (CM) |
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| VEECO INSTRUMENTS, INC.,)) | |
| EDWARD H. BRAUN, and JOHN F. REIN, JR)) | |
|)) | |
| Defendants.)) | |
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**NOTICE OF MOTION AND MOTION OF JOEL MANDEL TO
CONSOLIDATE THE RELATED ACTIONS, APPOINT LEAD PLAINTIFF
AND APPROVE LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL**

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Motion of Joel Mandel to Consolidate the Related Actions, Appoint Lead Plaintiff and Approve Lead Plaintiff's Selection of Lead Counsel; and the Declaration of Catherine A. Torell in Support of Motion to Consolidate the Related Actions, Appoint Lead Plaintiff and Approve Lead Plaintiff's Selection of Lead Counsel filed concurrently herewith, plaintiff will move this Court before the Honorable Colleen McMahon, United States District Judge, for an order granting plaintiff's

motion:

1. To consolidate all of the above captioned actions filed in the Southern District of New York, pursuant to Federal Rules of Civil Procedure 42(a); and,
2. For an Order, pursuant to Section 21D(a)(3)(b) of the Securities Exchange Act of 1934 (the "Exchange Act"), as amended by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"):

(a) appointing Joel Mandel as Lead Plaintiff for the Class of all persons who purchased or otherwise acquired the stock and/or options of Veeco Instruments, Inc. ("Veeco" or "the Company") during the period between April 26, 2004 and February 10, 2005, inclusive (the "Class Period"), and

(b) approving the selection of the law firm of Cohen, Milstein, Hausfeld & Toll, P.L.L.C. as Lead Counsel for the Class.

Dated: April 18, 2005

COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.

/s/

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- and -

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